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October 6, 2016

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Ms. Marlene Dortch  
Secretary  
Federal Communication Commission  
445 12th Street, SW  
Washington, DC 20554

Re: WT DOCKET NO. 15-180  
Summary of Ex Parte Meeting

Dear Ms. Dortch:

This letter summarizes for the record an *ex parte* meeting yesterday at the Commission's offices between myself representing PTA-FLA, Inc., and Johanna Thomas of Commissioner Rosenworcel's office. The purpose of the meeting was to discuss our concerns about the scope of the FCC's involvement in the historic preservation review process codified in Section 106 of the Act, and to highlight inefficiencies in the Commission's current procedures for resolving disputes with Indian tribes regarding the fees assessed by the tribes for reviewing proposed construction projects.

I summarized the history of the FCC's interpretation of which constructions constitute a federal undertaking under the National Historic Preservation Act and relevant court precedents that seem to conflict with the FCC's current view of what constitutes such an undertaking. I also explained how in the absence of guidance or control by the Commission, more and more tribes are charging higher and higher fees to review proposed construction projects with no evidence that the process is efficiently serving the purpose of identifying historically significant Indian sites.

Ms. Marlene Dortch  
Secretary  
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I noted that I had filed a Petition for Declaratory Ruling in early May of this year seeking Commission guidance and remediation on the above issues, but the Petition has yet to be put on public notice for public comment, much less acted on. In the meantime, tower construction companies are faced with long delays and significantly increased costs of construction for an issue that virtually never is cause for concern. This must ultimately work to the detriment of the public who lose service and pay indirectly for the increased costs. I therefore urged Ms. Thomas to support moving forward with efforts to address this problem on an industry-wide basis as soon as possible.

Sincerely,



Donald J. Evans  
*Counsel for PTA-FLA, Inc.*

cc: Johanna Thomas